

REMARKS

The Final Office Action mailed on February 10, 20005 has been carefully reviewed and considered. Claims 3-20 are previously pending and Claims 3-8 and 15-20 stand rejected.

In the foregoing Amendments, Claims 3 and 10 have been amended. Support for these amendments can be found in the specification and claims of the application as filed. No new matter has been added. Claims 7, 9 and 15-20 have been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 3-6, 8 and 10-14 remain pending in this application. Applicants respectfully request entry of the foregoing Amendments and reconsideration of the present application in light of the amendments above and the remarks below.

Applicants thank the Examiner for considering the amendments and remarks in Applicants' response mailed on September 20, 2004, and for allowing Claims 11-14. Applicants also thank the Examiner for indicating allowable subject matter of Claims 9-10 if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, Claim 10 has been amended to explicitly incorporate all of the limitations of the base claim and intervening claims, and therefore is in the condition for allowance.

Information Disclosure Statement

Applicant hereby thanks the Examiner for the partial acknowledgement on the Information Disclosure Statement filed on September 20, 2004 and March 14, 2003. Applicants have provided legible copies of all publications and/or foreign patents in accordance with 37 C.F.R. §1.98. Applicant respectfully requests full acknowledgment of the Information Disclosure Statement submitted herewith.

The 35 U.S.C. § 102 and § 103 Rejections

Claims 15-20 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Daniel G. Aliaga¹ (“Aliaga”). Claims 3-5 and 7-8 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Strauss² (“Strauss”) in view of French et al.,³ (“French”). Claim 6 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Strauss in view of French in further view of Engdahl⁴ (“Engdahl”). Without admitting that Aliaga, Strauss, French and Engdahl are prior art and reserving the right to establish that they are not prior art, Applicants respectfully disagree with these rejections.

However, to expedite the allowance of the presently claimed invention, Applicants have canceled Claims 15-20 without prejudice to pursue them in continuing applications. Claim 3 has been amended to include the subject matter of dependent claim 9, which was indicated as allowable. Claim 10, which was indicated as being allowable, has been rewritten in independent form to include the subject matter of claim 3 (prior to the current amendment).

Accordingly, amended Claims 3 and 10 are now in condition for allowance over the cited references. Furthermore, if independent claims are valid, the claims that depend from the independent claims should also be valid as matter of law. See Jenric/Pentron, Inc. v. Dillon Co., 205 F. 3d 1377, 1382 (Fed. Cir. 2000). Since Claims 4-6 and 8 depend from Claim 3, Claims 4-6 and 8 should also be patentable.

Applicants have canceled eight claims and amended two claims to advance prosecution of this application and to not acquiesce to the rejections presented in the Final Office Action. More

¹ Article: “Virtual Objects in the Real World”, Communications of the ACM, March 1997, Vol. 40, No. 3., ACM 1997.

² U.S. Patent No. 5,896,139.

³ U.S. Patent No. 6,266,053.

⁴ U.S. Patent No. 6,282,455.

specifically, Applicants disagree with the Office Action's interpretation that "the time based scene graph mapping disclosed by French to be functionally equivalent to the NSG process of associating the interconnecting nodes, as claimed by applicants." As such, Applicants reserve the right to pursue additional claims of the same or different scope in continuing applications.

Conclusion

Based on all of the above, Applicants believe all claims now pending in the present application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

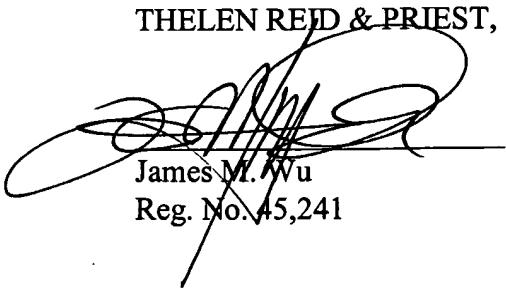
No additional fees are believed to be due at this time. However, please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Applicants thank the Examiner for carefully examining the present application and if a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Jim Wu at (408)282-1885.

Respectfully submitted,

THELEN REID & PRIEST, LLP

Dated: May 10, 2005


James M. Wu
Reg. No. 45,241

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040